IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4433 of 2005

Between:

Abdul Waheed (E.No. 95157), S/o. Late Andul Mazeed
Andhra Pradesh State Road Transport Corporation,

Bheemgal Depot, Bheemgal, Nizamabad District.

..... PETITIONER

AND

1 Andhra Pradesh State Transport Corporation,

Rep. by its Divisional Manager,
Nizamabad Division, Nizamabad.
2 The Depot Manager, Andhra Pradesh State Road Transport

Corporation, Bheemgal, Nizamabgad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of Writ of Certiorari; i) to calling for the records pertaining to I.D. 80 of 2001 on the file of Labour Court -II, A.P. Hyd. and quash the same in so far as deprival of the petitioner's continuation of service and back wages are concerned. ii) Consequently direct the respondents to grant continuity of Service and back wages duly granting all other consequential benefits and pass such other orders. iii) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondent Nos.1 and 2: MR.V.T.M.PRASAD SC FOR APSRTC

The Court at the admission stage made the following:

ORDER:

Challenging the order, dated 10.06.2003, passed by the Labour Court-II, Hyderabad, the present writ petition is filed.

The grievance of the petitioner is that the Labour Court-II, Hyderabad denied the back wages and therefore, he filed the present writ petition.

The learned Counsel for the petitioner contended that even if the petitioner reported duty, he was not allowed to join duty, and there is no negligence or inaction on the part of the petitioner for not reporting the duty, and hence, the petitioner is entitled for back wages.

On the other hand, the learned standing Counsel, appearing for the respondents, opposed the contentions of the petitioner, on the ground that since the petitioner himself absent for duties, he is not entitled for any back wages.

The petitioner was, admittedly, reinstated into service, after departmental enquiry. Since the petitioner himself absent for duties for long years, the Labour Court has not granted back wages and it also stated that the petitioner is not entitled for continuity of service.

No oral or documentary evidence is adduced to show that for no fault, the writ petitioner was not allowed to joint duty by the respondent Corporation. So also, there is no evidence to show that the writ petitioner was not gainfully employed during the period of his absence for duties. In the absence of any evidence, I am of the considered opinion that the Labour Court has rightly denied the back wages and

continuity of service to the petitioner.

The order, under challenge, does not suffer from any legal infirmities, so as to call for interference by this Court. Hence, the writ petition is devoid of merit and is, accordingly, dismissed. No order as to costs.

Dated: 09.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Divisional Manager,

APSRTC, Nizamabad Division,

Nizamabad

2. The Depot Manager,

APSRTC, Bheemgal,

Nizambad District

3. Two CD copies

4. 1 CC to MR.VASUDEVA REDDY

*Form-NIC-OGS/WP{**VSMI**}*